

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**IN RE:**

**Juan Eliacim Martinez  
xxx-xx-0841**

**Debtor and Respondent**

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**CASE NO: 3:17-bk-00752**

**RULE 12 MOTION TO DISMISS  
MOTION TO DISMISS FOR BAD FAITH FILED BY BRADLEY LEGAL  
GROUP, P.A. AND JOHN F. BRADLEY.**

Comes Juan Eliacim Martinez, by and through counsel, and hereby responds to the Motion to Dismiss for Bad Faith filed by Bradley Legal Group, P.A. and John F. Bradley. The response deadline is **May 26, 2017** and the hearing date is **June 13, 2017** at 9:00 A.M. in Courtroom 3.

1. The Debtor, through counsel, and pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, moves the Court to dismiss the pending motion to dismiss for bad faith for failure to state a claim upon which relief can be granted.
2. In support of this motion it would be shown the 341 notice to creditors set the deadline for filing complaints and exceptions to discharge on May 5, 2017. The Motion to Dismiss filed by Bradley Legal Group, P.A. and John F. Bradley was filed with the Bankruptcy Court Clerk's office and stamped filed on May 8, 2017.
3. The Movants, Bradley Legal Group, P.A. and John F. Bradley, are listed in the address matrix filed with the petition and schedules and received notice of the 341 meeting to be held on March 6, 2017.
4. The Debtor attended the 341 meeting, and there has been no request filed to extend time for filing complaints or exceptions to discharge.

5. Bankruptcy Rules 1017(e) and 4007(c) provide a motion or complaint to dismiss may be filed no later than 60 days after the first date set for the meeting of creditors under section 341(a).

**PREMISES CONSIDERED**, the Debtor moves for dismissal of the Motion to Dismiss for Bad Faith filed by Bradley Legal Group, P.A. and John F. Bradley.

Respectfully submitted,

**/s/Lewis G. Burnett, Jr.**

**Lewis G. Burnett, Jr. Reg. #6463**

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### **CERTIFICATE OF SERVICE**

I hereby certify on May 16, 2017 that a true and correct copy of the foregoing has been sent through the CM/ECF system to the United States Trustee; Michael Gigandet Chapter 7 Trustee; and by CM/ECF system and U.S. Mail to Bradley Legal Group, P.A. and John F. Bradley, 15 Northeast Avenue, Ft. Lauderdale, FL 33501.

**/s/Lewis G. Burnett, Jr.**

**Lewis G. Burnett, Jr.**